INDEX OF EXHIBITS

United States v. Tomas Santillanes-Lopez

07cr3108-W

Exhibit A . . . . Motion and Order to Dismiss Complaint in District of Arizona

Exhibit B . . . . Report of Investigation in District of Arizona

EXHIBIT A

FILED
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OCT 28 2002
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY ______ DEPUTY

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United States Attorney
District of Arizona

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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Tomas Santillanes-Lopez,

Defendant.

Magistrate No: 02-2665M

MOTION TO DISMISS COMPLAINT

COMES NOW the United States Attorney for the District of Arizona, by and through the undersigned Assistant United States Attorney, Mark Wayne Reeves, who moves to dismiss the complaint with prejudice currently pending against , Tomas Santillanes-Lopez charging him with a violations of Title 21 U.S.C. §§ 952, 960 and 963 and 841(a)(1). Such dismissal is appropriate and in the interests of justice.

Furthermore, the United States is requesting that the case be closed as a result of the foregoing action.

PAUL K. CHARLTON
United States Attorney
District of Arizona

[signature] 10-28-02

Mark Wayne Reeves
Assistant U.S. Attorney

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,
vs.
Tomas Santillanes-Lopez,
Defendant.

Magistrate No: 02-2665M

ORDER

THIS COURT having considered the United States' motion to dismiss with prejudice;

IT IS HEREBY ORDERED that the Complaint pending in this matter against the defendant, Tomas Santillanes-Lopez, shall be dismissed with prejudice in the interest of justice;

BE IT FURTHER ORDERED granting the Government's request that this case be closed and status hearing previously set for November 6, 2002, is vacated. The defendant shall further be released from the custody of the United States Marshal.

DATED this 28th day of October, 2002.

Jay R. Irwin
United States Magistrate Judge

EXHIBIT B

REQUESTED BY: COFFEEI PHILIP N

O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY ICE R E P O R T O F I N V E S T I G A T I O N	TECS ACCESS CODE 3 PAGE 1 CASE NUMBER [redacted]

TITLE: SANTILLANES-LOPEZ, TOMAS

CASE STATUS: CLOSING RPT

REPORT DATE	DATE ASSIGNED	PROGRAM CODE	REPORT NO.
092903	080602	[redacted]	002

RELATED CASE NUMBERS:

COLLATERAL REQ:

TYPE OF REPORT:
INVESTIGATIVE FINDINGS

TOPIC: DISMISSAL OF CHARGES AGAINST SANTILLANES-LOPEZ

SYNOPSIS:

On August 01, 2002, Tomas SANTILLANES-Lopez was arrested for attempting to smuggle 31.50 pound (14.30 kilograms) of cocaine into the United States, from the Republic of Mexico. SANTILLANES-Lopez was the owner; operator and sole occupant of a 1996 Ford Explorer bearing Arizona license plate number 570-JJZ. A Narcotic's Detection Dog was used to search the vehicle and responded positively to the gas tank of the vehicle. An access panel was discovered and removed revealing several packages wrapped in silver tape. When one of the packages was probed, it revealed a white powdery substance that tested positive for the presence of cocaine. The U.S. Attorney's Office was contacted and accepted prosecution of SANTILLANES-Lopez, Tomas.

This report details the polygraph test given to SANTILLANES and the subsequent dismissal of all charges against him. This report will also serve to terminate the investigation against SANTILLANES, baring any future incident.

DISTRIBUTION:	SIGNATURE:
RACSL SACPX	CONSAVAGE JOSEPH W SPECIAL AGENT
	APPROVED:
	EVANS KEVIN J OI GRP SUPERVISOR
	ORIGIN OFFICE: SL YUMA, AZ - RAC
	TELEPHONE: [redacted]
	TYPIST: CONSAVAGE

O F F I C I A L U S E O N L Y

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REPORT OF INVESTIGATION
CONTINUATION

PAGE 2

CASE NUMBER [redacted]

REPORT NUMBER: 002

DETAILS OF INVESTIGATION:

On October 24, 2002, SANTILLANES was given a polygraph test to determine the validity of the statements he had made to SA Consavage on the date of his arrest. The test was administered by a Federal Bureau of Investigations examiner who concluded that, based on the examination, the statements SANTILLANES had given were truthful.

As a result of the polygraph examination, all charges against SANTILLANES were dismissed, with prejudice, in the interest of justice on October 28, 2002.

All evidence seized by the U.S. Customs Service has been disposed of.

This report serves to end the investigation against SANTILLANES, baring any further incident.

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